

Message Text

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PAGE 01 GENEVA 05876 01 OF 02 181955Z
ACTION DLOS-09

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INR-10 INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01
OES-07 OMB-01 PA-01 PM-05 SP-02 SS-15 ICA-11
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LOS COLLECTIVE
AMEMBASSY KATHMANDU
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C O N F I D E N T I A L SECTION 01 OF 02 GENEVA 05876

E.O. 11652:GDS
TAGS: PLOS
SUBJECT: LOS CONFERENCE - APRIL 17 HIGHLIGHTS

REF: GENEVA 5775

SUMMARY: THE NJENGA NEGOTIATING GROUP HAS STARTED WORK ON
THE SEABEDS PROVISIONS OF THE ICNT. AT THE APRIL 17
SESSION THE U.S. ADDRESSED THE ISSUE OF TRANSFER OF TECH-
NOLOGY. COMMITTEE II IS STILL ORGANIZING ITS NEGOTIATING
GROUPS. END SUMMARY.

1. ON APRIL 17TH, THE NJENGA WORKING GROUP ON THE SYSTEM
OF EXPLOITATION MET TWICE TO DISCUSS ARTICLE 151, WITH
A FOCUS ON TRANSFER OF TECHNOLOGY. ALTHOUGH SOME INTER-
VENTIONS MERELY MAINTAINED OLD POSITIONS, OTHERS TENTA-
TIVELY HELD OUT PROMISE OF FURTHER SERIOUS NEGOTIATION.
THE OPEN-ENDED NEGOTIATING GROUP FRAMEWORK, HOWEVER,
LENDS ITSELF MORE TO SPEECHMAKING THAN TO NEGOTIATION.
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PAGE 02 GENEVA 05876 01 OF 02 181955Z

IT IS EXPECTED THAT THE MORE SERIOUS NEGOTIATION WILL
TAKE PLACE IN THE SECRET SMALL NJENGA GROUP (SIMILAR TO
THE GROUP IN WHICH THE U.S. PARTICIPATED AT THE NEW YORK
INTERSESSIONAL), WHICH WILL CONVENE FOR THE FIRST TIME
ON APRIL 18. THE U.S. (ALDRICH), PROPOSED THAT ARTICLE
151 BE MODIFIED TO: (A) AVOID THE IMPLICATION THAT MINING
CONTRACTORS ARE ACTING AS AGENTS OF THE AUTHORITY; AND

(B) AVOID THE IMPLICATION OF THE ICNT TEXT THAT, BEFORE A PROSPECTIVE MINER CAN RECEIVE A CONTRACT, HE MUST SATISFY THE AUTHORITY THAT HIS PROPOSED "CONTRIBUTIONS" OF TECHNOLOGY AND RESOURCES ARE SATISFACTORY TO THE AUTHORITY. ALDRICH ACKNOWLEDGED THE G-77 CONCERNS ABOUT TRANSFER OF TECHNOLOGY (TOT). HE SUGGESTED TOT BE NEGOTIATED AS A PACKAGE AND SAID THE U.S. WAS WILLING TO ACCEPT A TOT PROVISION WHEREBY THE CONTRACTOR IS OBLIGATED TO SELL TECHNOLOGY TO THE ENTERPRISE FOR A FAIR PRICE AND ON REASONABLE, NEGOTIATED TERMS AND CONDITIONS TO THE EXTENT THAT HE OWNS IT AND MUST FACILITATE ITS ACQUISITION BY THE ENTERPRISE AT A FAIR PRICE TO THE EXTENT THAT HE DOES NOT OWN IT. (ALDRICH'S FULL STATEMENT TO BE SENT SEPTTEL.)

2. DEBATE CONTINUED IN COMMITTEE II ON THE ORGANIZATION OF WORK. THUS FAR, 74 DELEGATIONS HAVE SPOKEN ON THIS QUESTION. A MAJORITY CONTINUES TO SUPPORT GIVING PRIORITY TO CERTAIN "HARD-CORE ISSUES" AS MANDATED BY THE CONFERENCE REPORT ON ORGANIZATION OF WORK. CONTENTION CONTINUED TO CENTER ON THE NEGOTIATING FORUM IN WHICH THESE ISSUES, ONCE DETERMINED, SHOULD BE DISCUSSED.

3. A NUMBER OF "OTHER ISSUES" WERE IDENTIFIED AS REQUIRING FURTHER DEBATE IN COMMITTEE II OR IN ITS SPECIAL NEGOTIATING GROUPS. REVIVAL OF THE STRAITS ISSUE RECEIVED SUPPORT FROM EGYPT, REPUBLIC OF KOREA, OMAN, YEMEN, SPAIN, LIBYA, CONFIDENTIAL

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PAGE 03 GENEVA 05876 01 OF 02 181955Z

SAUDI ARABIA, GREECE, PHILIPPINES AND ISRAEL (ALTHOUGH THE LATTER DID NOT PRESS THE ISSUE AND TOLD A U.S. DEL OFF THAT THEY MUST RESPOND IF IT WAS RAISED BY OTHERS-- READ ARABS). REVIEW OF THE QUESTION OF THE RIGHT OF TRANSIT OF LANDLOCKED STATES TO AND FROM THE SEA WAS PROPOSED BY NEPAL, NIGER, ZAMBIA, ZAIRE, CZECHOSLOVAKIA, AND OTHERS. REEXAMINATION OF THE ISSUE OF THE LEGAL STATUS OF THE EEZ WAS ADVOCATED BY BRAZIL AND ITS SUPPORTERS. BANGLADESH, SUPPORTED BY THE PHILIPPINES, LIBYA, AND TURKEY, CALLED FOR THE REVIVAL OF NEGOTIATIONS ON STRAIGHT BASELINES. INDIA, SUPPORTED BY ECUADOR, SOUGHT A REOPENING OF THE STATUS OF ARCHIPELAGOES WHICH CONSTITUTE AN INTEGRAL PART OF A COASTAL STATE. PERU, JOINED BY BRAZIL, NICARAGUA, ECUADOR, CHILE, PAKISTAN, AND URUGUAY, RENEWED ITS APPEAL FOR AN ARTICLE-BY-ARTICLE, OR CHAPTER-BY-CHAPTER EXAMINATION OF THE INTEGRATED TEXT.

4. THE U.S. (CLINGAN), REFLECTING THE MAJORITY SENTIMENT IN THE COMMITTEE, VOICED ITS STRONG OPPOSITION TO THE FORMATION OF NEGOTIATING GROUPS OTHER THAN THOSE ESTABLISHED TO DEAL WITH KEY ISSUES ALREADY IDENTIFIED AND ENUMERATED BY THE PLENARY. HE NOTED THAT THE CONFERENCE WAS AT A

STAGE WHERE IT COULD ADOPT PROCEDURES TO RECOUP TIME ALREADY LOST OR, CONVERSELY, FURTHER DELAY SUBSTANTIVE NEGOTIATIONS. THE U.S. ADAMANTLY OPPOSED A COMPREHENSIVE REEXAMINATION OF THE RESPECTIVE COMMITTEE II PROVISIONS OF THE ICNT AND, IN PARTICULAR, THE STRAITS ARTICLES FOR WHICH THERE ALREADY EXISTS A "COMPROMISE OVERWHELMINGLY ENDORSED BY THE CONFERENCE." ON THIS SPECIFIC POINT, THE U.S. WAS SUPPORTED BY THE USSR, FRANCE, U.K., FRG, SWEDEN, ITALY, IRAN, SIERRA LEONE, UPPER VOLTA, ETHIOPIA, TRINIDAD AND TOBAGO, PAPUA NEW GUINEA, AND OTHERS.

5. THE CHAIRMAN (AGUILAR) INDICATED IN HIS CLOSING STATEMENT THAT RESOLUTION OF THE QUESTION OF "OTHER ISSUES"

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PAGE 01 GENEVA 05876 02 OF 02 181954Z
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AMEMBASSY KATHMANDU
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C O N F I D E N T I A L SECTION 02 OF 02 GENEVA 05876

MUST AWAIT THE PLENARY DETERMINATION OF THE PROGRAM OF WORK OF NEGOTIATING GROUPS ON HARD-CORE ISSUES. PROPOSED DISCUSSION OF THE ISSUE OF DEFINITION OF THE OUTER LIMITS OF THE CONTINENTAL SHELF AND REVENUE SHARING IS STILL SCHEDULED TO BEGIN ON APRIL 19.

6. INFORMAL WORK HAS STARTED ON COMPULSORY DISPUTE SETTLEMENT ISSUES. COMMITTEE III IS TO HOLD ITS FIRST MEETING ON APRIL 20. RICHARDSON

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